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# **Contracting for Green and Sustainable Remediation - Opportunities and Challenges**

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# DoD Green Remediation and Sustainability Overview

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- DoD can make tremendous impact in the field by integrating sustainable remediation practices into the program
- The Military Services are looking at ways to include sustainability requirements in current optimization contract language
- Tie requirements to EO 13423, EO 13514, and DUSD(I&E) Green Remediation Policy, Aug 10, 2009



# Setting the Stage for Sustainability through Contracting

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- Integrate green remediation concepts into contracting to promote the use of low-energy and low-carbon footprint technologies
- Use contracting mechanisms to ensure sustainable provisions are incorporated throughout the remediation process
  - Remedy Selection
  - Investigation and Studies
  - Design and Construction
  - Remedy Operations
  - Site Closeout and Reuse



# Contract Types

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- Sustainability requirements can be incorporated into all contract types
  - Performance-Based
  - Fixed Price
  - Cost Plus Fee
  - Time and Materials
- DoD, EPA and other Federal Agencies are evaluating ways to develop goals, objectives, and awards around use of green technologies and practices



# Sustainability Provisions in Contracts

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- Provisions should focus on sustainability considerations as a framework, NOT prescriptive mandates
- Sustainability provisions should be:
  - Achievable, i.e. contractors, suppliers can actually meet them
  - Measurable in terms of providing environmental benefits (e.g., energy or water saved, emissions reduced, waste avoided)
  - Not so specific as to prevent innovative solutions that are effective, sustainable, and meet criteria



# Sustainability Provisions in Contracts (cont.)

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- DoD is considering how to write sustainability provisions into the selection and evaluation criteria
  - Upfront planning to determine what provisions make sense,
  - Technical Approach – demonstrate management approach, understanding of requirements, solutions, tools, and materials
  - Past Performance – demonstrate experience with implementing green remedies
  - Staffing – technical expertise among staff
  - Monthly reporting
  - Incentives tied to results



# Challenges

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- Solutions need to be technically effective and cost effective
- Still new territory for DoD, contractors, regulators
  - Sustainability criteria not explicitly included in remedial process (can make inferences)
  - Want to move forward, not backwards. Will not reopen records of decision or other decision documents, agreements
  - No standard contracts and evaluation tools
- Need personnel to evaluate technical merits of sustainability in proposals and evaluate performance
- How to address sustainability criteria in current contracts?





## Next Steps

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- DoD leadership is encouraging the Military Services to share ideas and lessons learned
- Share information so that contracting officers and technical representatives can corroborate to sensibly integrate sustainability concepts into contracts